

Equal Shared Physical Custody [ESPC].

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Equal Shared Physical Custody[ESPC]. Solely for purposes of child support calculations, the following definition shall be applied in Rule 32. Equal Shared physical Custody shall be defined as a court order or agreement of the parties providing for 50% [or approximately 50%] overnight physical custody of a child with each parent. When Equal Shared Physical Custody is ordered by the court or agreed to by the parties, the basic child support obligation shall first be multiplied by one and one-half. That amount shall then be divided between the parents in proportion to their respective adjusted gross income. The parent owing the larger amount of child support shall pay the other parent the difference between the total monthly child support amount owed and the monthly child support owed by the other parent.

The failure of a parent to exercise their overnight physical custody of the child for more than 14 days in any calendar year shall create a rebuttable presumption that reimbursable child support is owed to the other parent. The reimbursable child support shall be calculated as 1/30 of 150% of the total monthly basic child support obligation owed for each day that overnight physical custody was not exercised. Once the court enters a judgement of the amount of reimbursable child support owed to a parent, that child support order shall be enforceable in the same manner as any other child support order. The court has the discretion to waive the child support reimbursement for good cause shown.